

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROUTES 202 AND 309 AND NOVELTIES GIFTS, INC.,	:	
	:	
	:	
Plaintiff,	:	CIVIL ACTION
v.	:	
	:	NO. 11-5822
THE KINGS MEN et al,	:	
	:	
Defendants.	:	
	:	
	:	
	:	

ORDER

AND NOW, this ____ day of March, 2014, upon consideration of Plaintiff's Motion for Leave to File an Answer to Defendants' Counterclaim (Dk. at 75) and Defendants' Response in Opposition thereto (Dk. at 78), **IT IS HEREBY ORDERED AND DECREED** that Plaintiff's Motion is **DENIED**.¹

IT IS FURTHER ORDERED, upon consideration of Plaintiff's Motion for Summary Judgment on Defendants' Counterclaim (Dk. at 53), Defendants' Motion for Summary Judgment (Dk. at 52), and all relevant responses, that both motions for summary judgment are **DENIED**.

IT IS FURTHER ORDERED, upon consideration of Plaintiff's Motion to Preclude Defendant's Use of Expert Testimony (Dk. at 65), that Plaintiff's Motion is **DENIED WITHOUT PREJUDICE**.²

¹ This Order accompanies the Court's Memorandum Opinion dated March 6, 2014.

² Plaintiff's Motion to Preclude, which is essentially a motion in limine, was filed in anticipation of this matter proceeding to trial on August 12, 2013. However, after the Plaintiff's Motion to Preclude was filed, the Court granted Defendants' Motion to Stay all Deadlines Pending Ruling on Motions for Summary Judgment. (See Dk. at 67, 76.) The Court has now decided the cross-motions for summary judgment, and the stay has therefore been lifted. Given the amount of time which has elapsed since the Motion to Preclude was filed, the Motion is outdated. The Court denies the Motion for Preclude for this reason only, and grants Plaintiff leave to refile the Motion after a status conference is held.

IT IS FURTHER ORDERED that the Clerk of Court shall lift the stay previously entered in this matter.

IT IS FURTHER ORDERED that a **TELEPHONE STATUS CONFERENCE** shall be held on **March 13, 2014 at 2:00 pm**. Plaintiff's counsel shall initiate the telephone call, and contact the Court once all parties have convened on the line. Chambers can be reached by dialing (267) 299-7610.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, C. J.